



**US Department
Of Transportation
Federal Motor Carrier
Safety Administration**

**Eastern Service Center
802 Cromwell Park Dr Suite N
Glen Burnie, Maryland 21061**

In Reply Refer To: MC-EFE-SV

Anthony G. Lardieri, Attorney
anthony.lardieri@dot.gov
Direct Dial: 443-703-2248

July 7, 2009

US DOT DOCKETS
Docket Operations, M-30
1200 New Jersey Avenue, S.E.
West Building Ground Floor
Room W12-140
Washington, D.C. 20590

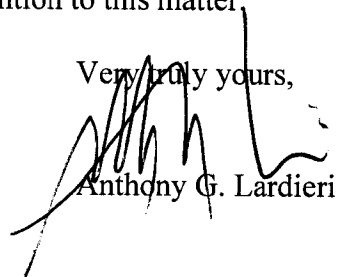
Re: Request for Binding Arbitration
Lasertone Corp.
Old Case Number: NY-2008-0217-US0659
Docket Number: FMCSA-2009- 0184

Dear Docket Clerk:

Enclosed please find the Respondent's request for binding arbitration. The Respondent admitted the violations but contests the amount of penalty. The Field Administrator does not object to the request. Copies of the Notice of Claim and Uniform Fine Assessment Worksheet are also attached.

Thank you for your attention to this matter.

Very truly yours,



Anthony G. Lardieri

CERTIFICATE OF SERVICE

This is to certify that on the 7th day of July 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the forgoing document to each of the parties listed below.

Mitchell Parks, Esq. 233 East 81 Street, Suite A New York, NY 10028 <i>Counsel for the Respondent</i>	One Copy First Class Mail
US DOT DOCKETS Docket Operations, M-30 1200 New Jersey Avenue, S.E. West Building Ground Floor Room W12-140 Washington, D.C. 20590	Original Electronically filed in FDMS
Brian K. Temperine FMCSA – New York Division Leo W. O’ Brien Federal Building Clinton Ave. & N. Pearl Street, Rm. 815 Albany, NY 12207 <i>Division Administrator</i>	One Copy Electronic Mail
FMCSA Docket Clerk FMCSA - Eastern Service Center 802 Cromwell Park Drive Suite N Glen Burnie MD 21061	One Copy Hand Delivered
Steve Farbman, Esq. FMCSA – Adjudications 1200 New Jersey Avenue, S.E. Washington, D.C. 20590	One Copy Electronic Mail



Cynthia P. Campise

Attachment 1

MITCHELL PARKS
Attorney at Law
233 East 81 Street Suite A
New York, New York 10028
Phn (212) 772-8681
Fax (646) 328-4564

Admitted in NY & NJ

July 2, 2009

To:

Anthony G. Lardieri, Trial Attorney
US DOT
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive Suite N
Glen Burnie, MD. 21061
Phn (443) 703-2240
Fax (443) 703-2253

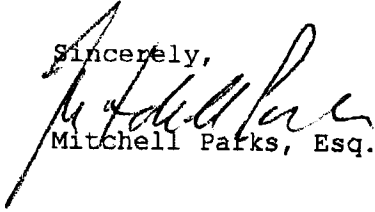
Re: Lasertone Corp. Case No. NY-2008-0217-US0659

Dear Mr. Lardieri,

This is in response to your letter dated May 26, 2009, informing us that FMCSA no longer offers informal hearings as a means of administrative adjudication for cases arising under the Motor Carrier Safety Regulations, despite the fact that that option was specifically listed in the answering instructions your agency provided. This has resulted in unnecessary inconvenience and expense to our client, as that was the course selected by us for this matter, and considerable time and effort was expended arriving at that conclusion and responding accordingly.

Nonetheless given the nature of this particular matter it does not seem practical to us to pursue a specific remedy for that misdirection at this time. As such amongst the remaining options, we will accept binding arbitration as an alternative.

Sincerely,


Mitchell Parks, Esq.

Attachment 2



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Eastern Service Center

Federal Express

802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Phone: (443) 703-2240
Fax: (443) 703-2253

MAR 11 2009

Isaac Deutsch, President
Lasertone Corp
1-02 26th Street
Long Island City, NY 11102

NOTICE OF CLAIM¹ -- Violations of 49 CFR § 385.325(c).

CIVIL PENALTY: \$5,000

Case Number: NY-2008-0217-US0659

US DOT Number: 1270838

Dear Mr. Deutsch:

On December 18, 2008 a commercial motor vehicle operated by Lasertone Corp was inspected at Warren County, NJ. The purpose of this inspection was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

As a result of this inspection, violations were discovered. This letter constitutes a Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against Lasertone Corp for the amount of \$5,000.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. **Also, under 49 Code of Federal Regulations (CFR) §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit Lasertone Corp from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.**

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws.

SUMMARY OF VIOLATIONS

Your company is charged with:

1. One (1) violation of 49 CFR § 385.325(c)- Operating a commercial motor vehicle in interstate commerce on or after the effective date of an out-of-service order for failing to submit to a new entrant safety audit.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Do not operate any commercial motor vehicles in interstate commerce until FMCSA has rescinded your out-of-service order and/or your registration has been reinstated. Since our current records indicate that you have reapplied for USDOT registration your out-of-service order was rescinded on 01/16/2009. Consequently, you may now operate in interstate commerce but you have a responsibility to permit a safety audit in accordance with the correspondence you received dated January 21, 2009.

Failure to Abate Cited Violations

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions. Under Section 222 of the Motor Carrier Safety Improvement Act of 1999, recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49 of the Code of Federal Regulations) that result in three or more enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third and subsequent enforcement actions. Any violations with a checkmark in the "§ 222 Applied" column in the penalty table below are subject to this "Section 222" provision and the maximum penalties have been assessed. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

PENALTY

Penalty Factors for Violations of Safety and Hazardous Materials Regulations

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before proposing or claiming a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty proposed shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

Penalty Factors for Violations of Commercial Regulations

In the case of violations of the commercial regulations FMCSA also is not required by statute to consider the Section 521 factors. However, before proposing penalties for violations of the commercial regulations (more specifically the transportation of household goods), 49 U.S.C. § 14901 (c) requires FMCSA to take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

Discovered Versus Charged Violations

Violations of either safety or hazardous materials regulations discovered during the course of the roadside inspection, but not proposed for penalty in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. The violations found in Table 1, as attached to this Notice of Claim, detail the violations discovered during our review/inspection.

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA is proposing a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>\$222 APPLIED</u>	<u>TOTAL</u>
385.325(c)	NO	1	\$5,000.00		\$5,000.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$5,000.

HOW TO REPLY TO THE NOTICE OF CLAIM

Under 49 CFR Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," you have specific rights with respect to this Notice of Claim. You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. DO NOT call the FMCSA Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) **PAYMENT OF PENALTY:** Within 30 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at (443) 703-2260. If you pay the full penalty within thirty (30) days of service of this

2) CDL=Commercial Driver's License; FR=Financial Responsibility; HM=Hazardous Materials (the total penalty assessed is per citation, not per number of counts); NO=Notice and Orders; NR=Nonrecordkeeping; R=Recordkeeping; COM=Commerical Regulations.

Case Number: NY-2008-0217-US0659

Notice of Claim, you do not need to file a written Reply to the Notice of Claim.

You may pay the fine electronically through our SAFER website at <<http://safer.fmcsa.dot.gov>> by selecting "Online Fine Payment."

Alternatively, you may pay by cashier's check, certified check, or money order made payable to the FMCSA and mailed to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Personal or company checks will not be accepted and will be returned.

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice Claim and these violations shall constitute prior offenses under either 49 USC § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 USC § 14901(c) (for violations of the Federal Motor Carrier Commercial Regulations involving transportation of household goods) or 49 USC § 5123(c) (for violations of the Hazardous Materials Regulations) unless you proceed under the provisions of 49 C.F.R. § 386.18(c). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) REQUEST FOR ADMINISTRATIVE ADJUDICATION: You may contest the claim and request Administrative adjudication. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim.

Your Reply must be in writing, and clearly state the grounds for contesting the Notice of Claim, and must state any affirmative defenses you intend to assert. You must separately admit or deny each violation alleged in this Notice of Claim. Any allegations in the Notice of Claim not specifically denied in the Reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator. Your Reply must include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii). Once you select an adjudication option, you are bound by that selection.

You must serve your reply on all persons listed in the Certificate of Service attached to this Notice of Claim and in accordance with the requirements of 49 CFR § 386.6.

(a) REQUEST TO SUBMIT EVIDENCE AND ARGUMENT WITHOUT HEARING: (§§ 386.14(a), 386.14(d)(1)(iii)(A), 386.16(a)). You may contest the allegations in the Notice of Claim without a formal hearing. To do so, you must serve notice of your intention to proceed in this manner by filing a written Reply within thirty (30) days after service of this Notice of Claim. Service of your Reply and Notice of Intent to Submit Evidence and Argument without Hearing must be made upon all representatives listed in the Service List that is attached to this Notice of Claim. If you choose this option, the FMCSA Field Administrator for this Service Center is required to serve all written evidence and written argument on each party listed on the Service List and on the Assistant Administrator for the Federal Motor Carrier Safety Administration within 60 days of the service date

of this Notice of Claim. No later than 45 days following service of the Field Administrator's evidence, you must then serve your evidence upon all representatives listed in the Service List attached to the Field Administrator's evidence. The Field Administrator may, within 20 days of your filing, respond to your submission of evidence. All evidence must be in the form described in 49 CFR § 386.49, Form of Written Evidence. The Assistant Administrator for the Federal Motor Carrier Safety Administration may issue a Final Agency Order based on the evidence and arguments submitted by both of the parties, or may issue any other order necessary to reach a decision in the matter.

(b) REQUEST FOR A FORMAL HEARING: (§§ 386.14(a), 386.14(d)(1)(iii)(C), 386.16(b)(3)). You may request a hearing on the record before an Administrative Law Judge on any material issues of fact in dispute. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim. Service of the Reply and Request for Hearing must be made upon all representatives listed in the Service List that is attached to this Notice of Claim. If you choose this option, the Field Administrator will file a notice of consent or objection with basis to your request for hearing within 60 days of service of your Reply. If the Field Administrator files an objection with basis to your request for hearing, the Field Administrator must, then or at a later time, file a Motion for Final Order. No later than 45 days following service of the Field Administrator's Motion for Final Order, you must serve your response upon all representatives listed in the Service List attached to the Field Administrator's Motion. Before a formal hearing will be granted, the Assistant Administrator must determine whether there exists a dispute of a material fact at issue in the matter. After reviewing the record, the Assistant Administrator will either refer the matter to the Office of Hearings for hearing or issue a Final Agency Order based upon the written record.

(c) REQUEST FOR AN INFORMAL HEARING: (§§ 386.14(a), 386.14(d)(1)(iii)(B), 386.16(b)(4)). You may request an informal hearing before a hearing officer on any material issues of fact in dispute. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim. By requesting an Informal Hearing, you will waive your right to request a formal hearing before an Administrative Law Judge. The Field Administrator will file a notice of consent or objection with basis to your request for an informal hearing within 60 days of service of your Reply. The Assistant Administrator will issue an order granting or denying the request for informal hearing. Before an informal hearing will be granted, the Assistant Administrator must determine whether there exists a dispute of a material fact at issue in the matter. If the informal hearing is granted, the Assistant Administrator will assign the matter to a Hearing Officer. At hearing, both you and the FMCSA will present evidence to the Hearing Officer. After the evidence has been presented, the Hearing Officer will issue a report to the Assistant Administrator containing the findings of fact and recommended disposition of the matter. The Hearing Officer's report will be the only written record of the informal hearing. The Assistant Administrator may issue a Final Agency Order adopting the report, or issue any other Order as appropriate. If your request for an informal hearing is denied by the Assistant Administrator, the Field Administrator will serve a Motion for Final Agency Order. No later than 45 days following service of the Field Administrator's Motion for Final Order, you must serve your response upon all representatives listed in the Service List attached to the Field Administrator's Motion. After reviewing the record, the Assistant Administrator will refer the matter to the Office of Hearings for a formal hearing, or will issue a Final Agency Order based upon the written record.

(3) REQUEST FOR BINDING ARBITRATION: If you dispute **only** the amount of the civil penalty

Case Number: NY-2008-0217-US0659

and/or the length of time to pay, you can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. You should notify the FMCSA of your request in writing when you submit your Reply. The Assistant Administrator will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Assistant Administrator's decision regarding your request. You may choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and/or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <http://www.fmcsa.dot.gov/>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN 49 CFR § 386.6.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 MAY BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN THIRTY (30) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE **EXACT** MANNER SPECIFIED IN 49 CFR § 386.14 MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR § 386.14(c), A FAILURE TO REPLY MAY CAUSE THE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER THIRTY (30) DAYS AFTER THIS NOTICE OF CLAIM IS SERVED. THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER WILL DECLARE YOU TO BE IN DEFAULT AND DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY PROPOSED IN THE NOTICE OF CLAIM, TO BE THE FINAL AGENCY ORDER IN THE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE FIVE (5) DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF YOUR OPPORTUNITY TO CONTEST THE CLAIM.

A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d)(1). UNLESS YOUR REPLY COMPLIES WITH THE REQUIREMENTS OF 49 CFR § 386.14(d)(1), THE ASSISTANT ADMINISTRATOR MAY ENTER A DEFAULT AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,



Brian K. Tempefine
Division Administrator
Federal Motor Carrier Safety Administration

Enclosures

APPLICABLE STATUTES

Section 521(b) of 49 USC provides for a maximum civil penalty of \$10,000 for operating a commercial motor vehicle in interstate commerce while the carrier is out of service for failing a new entrant safety audit or failing to provide FMCSA acceptable evidence of corrective action. Each day the violation continues shall constitute a separate offense

TABLE 1: VIOLATIONS DISCOVERED DURING INVESTIGATION

**Lasertone Corp, USDOT 1270838
NY-2009-0217-US0659**

NUMBER	VIOLATION	IDENTIFYING INFORMATION: DRIVER EQUIPMENT COMMODITY	DATE OF VIOLATION
1	49 C.F.R. §385.325(c)	Menachem Feldman 2005 International NY 64672JS General Freight	12/18/2008

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 385.325(c) - Operating a commercial motor vehicle in interstate commerce on or after the effective date of an out-of-service order for failing to submit to a new entrant safety audit.

CHARGE #1:

On or about 12/18/2008, Lasertone Corp operated a commercial motor vehicle in interstate commerce from Queens, NY to Easton, PA. On 12/18/2008 driver Menachem Feldman driving a commercial motor vehicle, a 2005 International straight truck with a gross vehicle weight rating of 25,999 lbs. with NY license #64672JS, was stopped and inspected at the Greenwich Scale in Warren County, NJ. The carrier refused to permit a safety audit to be performed on its operations by the due date, and an Out of Service Order was served on the carrier on August 12, 2005.

SERVICE LIST

This is to certify that on MAR 11 2009, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Isaac Deutsch, President
Lasertone Corp
1-02 26th Street
Long Island City, NY 11102

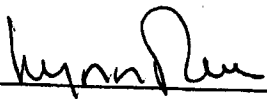
Original
Federal Express

Brian K. Temperine, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Federal Motor Carrier Safety Administration
Leo W. O'Brien Federal Building Room 815
Albany, NY 12207

One Copy
Personal Delivery

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

One Copy
U.S. Mail or Electronic Mail



From: Origin ID: ALBA (518) 431-4145
 Lynn Rue
 USDOT - FMCSA
 Leo W. O'Brien F.B., Room 815

Albany, NY 12207



2011000130202

SHIP TO: (718) 545-7100

BILL SENDER

Isaac Deutsch, President
 Lasertone Corp
 102 26TH AVE

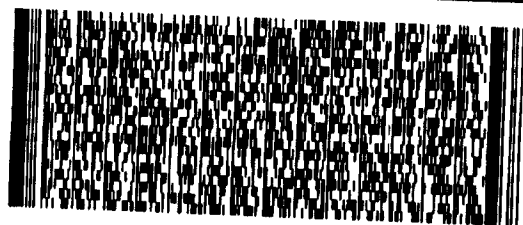
LONG ISLAND CITY, NY 11102

Ship Date: 11MAR09
 ActWgt: 0.5 LB
 CAD: 90206421/NET9011
 Account#: S *****

Delivery Address Bar Code



Ref # mc-nya
 Invoice #
 PO #
 Dept #

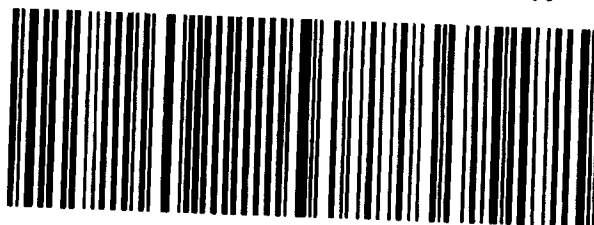


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THU - 12MAR A1
 STANDARD OVERNIGHT

ZM ZXSA

11102
 NY-US
 JFK



After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

Attachment 3

CARRIER ROADSIDE OOS VIOLATION UNIFORM PENALTY ASSESSMENT WORKSHEET

For use when UFA does not apply

Carrier's Name: **Lasertone Corp**USDOT Number: **1270838**Case Number: **NY-2009-0217-US0659**Violation Charge: **385.325(c) Operating after the effective date of an out-of-service order****NATURE OF VIOLATION** - Click and Select **f. OOS - New Entrant No Show/No Contact - Operating CMV's in interstate commerce after the effective date of a New Entrant OOS Order based on refusal to submit to an audit.****EXTENT** - The extent of violations found and documented during the investigation or inspection. Enter violation rate percentage 1 - 100 (# discovered/ # checked) WITHOUT % SIGN. For 1 of 1 enter -99.**-99****GRAVITY OF VIOLATION** Click and select appropriate choice from either record keeping or non recordkeeping selections.**a. Violation other than critical or acute****CULPABILITY** - Evaluation of the carrier's responsibility for the violation. Click and select.**a. Should have known of the violation****HISTORY OF PRIOR OFFENSES** - Closed enforcement cases (past 6 years). Click and Select.**a. No history****ABILITY TO PAY AND CONTINUE IN BUSINESS** - Enter carrier's gross revenue or "unknown".**Unknown**

IMPORTANT NOTE: If you determine that "circumstances of the violation" and "other matters as justice and public safety may require" necessitates an adjustment in the penalty, a low and high range has been calculated to take into account these two, of the nine, factors. The two factors are defined below. You must explain below if you assess a penalty that is within this range but above or below the penalty which is calculated by the worksheet. Also, you must explain if you assess a penalty that is above or below the recommended low and high ranges.

CIRCUMSTANCES OF VIOLATION- The mitigating and/or aggravating variables that existed during the violation.**OTHER MATTERS AS JUSTICE & PUBLIC SAFETY MAY REQUIRE** - Other matters not specifically covered by one of the other factors, for example, hiring or assignment of a Safety Director or Safety Consultant, speed of compliance, corrective actions taken prior to issuance of the NOC, etc.

Enter Assessed Penalty

\$8,000.00

Explanation:

MITCHELL PARKS
Attorney at Law
233 East 81 Street Suite A
New York, New York 10028
Phn (212) 772-8681
Fax (646) 328-4564

Admitted in NY & NJ

July 2, 2009

To:

Anthony G. Lardieri, Trial Attorney
US DOT
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive Suite N
Glen Burnie, MD. 21061
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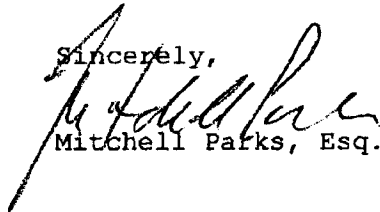
Re: Lasertone Corp. Case No. NY-2008-0217-US0659

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Nonetheless given the nature of this particular matter it does not seem practical to us to pursue a specific remedy for that misdirection at this time. As such amongst the remaining options, we will accept binding arbitration as an alternative.

Sincerely,


Mitchell Parks, Esq.